

1
2
3
4
5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 * * *

8
9 **CHARTIS SPECIALTY INSURANCE**
10 **COMPANY f/k/a AMERICAN**
11 **INTERNATIONAL SPECIALTY LINES**
12 **INSURANCE COMPANY,**

13 Plaintiff(s),

14 vs.

15 **APCO CONSTRUCTION, et al.,**

16 Defendant(s).

2:13-cv-00361-APG-NJK

ORDER

Motion to Stay Proceedings (#133)

17 Before the Court is Plaintiff's Motion to Stay Proceedings. Docket No. 133.

DISCUSSION

18 The Court has inherent power to control its docket, including the discretion to stay
19 proceedings. *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936). The determination of whether
20 to stay proceedings is best determined by weighing the competing interests of the parties and of
21 the Court. *Id.*

22 "Among those competing interests are the possible damage which may result from the
23 granting of a stay, the hardship or inequity which a party may suffer in being required to
24 go forward, and the orderly course of justice measured in terms of the simplifying or
complicating of issues, proof, and questions of law which could be expected to result
from a stay."

25 *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005); citing *Landis*, 299 U.S. at 268.

26 Here, Plaintiff represents that the parties are "on the precipice of achieving global
27 settlement" and that a "settlement in principle appears imminent." Docket No. 133, at 3. Thus,
28 Plaintiff requests that the Court stay all proceedings until: "(1) the claims in this action are

1 dismissed with prejudice; or (2) the parties provide notice that the settlement process has failed.”
2 *Id.* at 4. Plaintiff asserts that staying this action will facilitate the ongoing settlement negotiations
3 and promote judicial economy. *Id.* Defendants, however, have not joined Plaintiff in this motion.
4 *See id.* at 3 n. 2. According to Plaintiff, it proposed the stay to Defendant M & H Enterprises but,
5 once Defendant M & H Enterprises declined to join in the motion, Plaintiff did not approach the
6 other parties. *Id.*

7 Having weighed the competing interests, the Court finds that a stay of proceedings is
8 appropriate. Plaintiff has shown that the parties will be prejudiced if this case is required to move
9 forward at this time and, additionally, that a stay will potentially prevent unnecessary
10 complication in this case. Nonetheless, the stay proposed by Plaintiff lacks a clear end-date and,
11 for that reason, is not approved by the Court. Rather, based on the information before the Court,
12 the Court finds that a 60-day stay is sufficient to facilitate the discussed settlement negotiations.
13 Accordingly, the Court hereby STAYS the proceedings in this matter until April 25, 2014.

14 **CONCLUSION**

15 Based on the foregoing, and good cause appearing therefore,

16 IT IS ORDERED that Motion to Stay Proceedings, Docket No. 133, is **GRANTED in**
17 **part.**

18 IT IS FURTHER ORDERED that all proceedings in this matter are **STAYED** until **April**
19 **25, 2014**, or, should the parties reach a settlement agreement, immediately thereafter, whichever
20 is sooner. The parties are to file notice with the Court within 7 days of the lifting of the stay. The
21 parties are further **ORDERED** to provide the undersigned with a revised discovery plan within
22 14 days of the lifting of the stay if they have not reached a global settlement agreement at that
23 time.

24 DATED: February 24, 2014.

25 
26 NANCY J. KOPPE
27 United States Magistrate Judge
28